

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

UNITED STATES OF AMERICA	)	
	)	
v.	)	Case No. 1:09-CR-98
	)	
NICHOLAS EVANS	)	MATTICE/CARTER

**ORDER**

On August 12, 2009, Magistrate Judge William B. Mitchell Carter filed a Report and Recommendation recommending (a) the Court accept Defendant Nicholas Evans' ("Defendant") plea of guilty to Count One of the Indictment, to the extent it charges conspiracy to manufacture, distribute, and possess with the intent to distribute fifty (50) grams or more of a mixture or substance containing a detectable amount of cocaine base ("crack") in violation of 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(A), in exchange for the undertakings made by the government in the written plea agreement (b) the Court adjudicate Defendant guilty of the charges set forth in Count One of the Indictment; and (c) Defendant shall remain in custody pending sentencing in this matter (Doc. 173). Neither party filed an objection within the given ten days. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation.

Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Doc. 173) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

(1) Defendant's plea of guilty to Count One of the Indictment, to the extent it charges conspiracy to manufacture, distribute, and possess with the intent to distribute fifty (50) grams or more of a mixture or substance containing a detectable amount of cocaine base ("crack") in violation of 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(A), is **ACCEPTED**;

(2) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Count One of the Indictment; and

(3) Defendant **SHALL REMAIN IN CUSTODY** pending sentencing on **Monday, November 16, 2009, at 9:00 am.**

**SO ORDERED.**

**ENTER:**

/s/Harry S. Mattice, Jr.  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE